

REMARKS/ARGUMENTS

Claims 5-12 and 14-19 remain in the application. Claims 1-4, 13, 20 and 21 have been canceled, without prejudice.

Claim 9 has been amended to incorporate the limitations of previous claim 13, which the Examiner indicated was allowable. This amendment does not add new matter and is believed to put claim 9 in condition for allowance. As a result of the amendment to claim 9, claims 10-12 and 14-19, which depend directly or ultimately from claim 9, are also believed to be allowable.

1. Rejection of Claims 1-7, 9-12 and 15-21 Under 35 USC 102(e)

Claims 1-7, 9-12 and 15-21 stand rejected under 35 USC 102(e) as being unpatentable over Boudnik (2003/0115252). This rejection is moot as to claims 1-4, 20 and 21, which are canceled herein. This rejection is also moot as to claims 9-12 and 15-21, because claim 9 has been amended to include the limitations of previous claim 13, which the Examiner indicated was allowable.

With respect to claim 5, applicant previously asserted that Boudnik does not disclose the "dynamic data" recited in this claim. In response, the Examiner asserts:

...[Boudnik's] agent launcher interface includes pattern parameters and initial parameters (dynamic data), the first agent process then sends a test execution request to the system controller having resource attribute requirements as set . . . by the pattern parameters (Page 8, ¶ 0084, lines 1-2 & ¶0085, lines 1-4).

2/23/2007 Final Office Action, p. 9, "Response to Arguments".

Applicant disagrees. To begin, applicant defines "dynamic data" as data that changes during a test (see, par. [0006] and [0009]). In contrast, there is no indication that Boudnik's pattern parameters or initial parameters change during a test.

Looking more closely at Boudnik's description of pattern parameters and initial parameters, applicant notes that Boudnik's "pattern parameters" provide the

attributes that are required of a processing resource suitable to execute an "execution request" (or sub-task test). In this manner, a system controller can cause the execution request to be executed on a processing resource that matches the pattern parameters (or attributes) given by a "launching UDS application." See, e.g., p. 7, par. [0076], of Boudnik's disclosure. Given this context, it appears to applicant that Boudnik's pattern parameters are static data, and not "dynamic data".

Referring now to Boudnik's "initial parameters", Boudnik indicates that these parameters provide any initialization values to a new application (i.e., a new UDS application launched by a "launching UDS application"). See, e.g., p.8, par. [0077], of Boudnik's disclosure. Given that Boudnik's initialization parameters only "initialize" an application, it appears to applicant that these parameters are also static, and they are not updated in any sort of dynamic way.

Finally, it is noted that claim 5 recites 1) a first test session servlet that receives a) dynamic data, and b) a test description that includes at least first and second subtests, 2) the sending of a description of the second subtest, along with test parameters and the dynamic data, to a second test session servlet, 3) the second subtest receiving the dynamic data back from the second test session servlet, and 4) the first test session servlet's sending of **subtest results from all subtests, and the dynamic data** back to a caller. Even assuming, for argument's sake, that Boudnik's pattern parameters or initial parameters are equivalent to the "dynamic data" recited in claim 5, applicant does not see where Boudnik teaches either the third or fourth limitations enumerated in this paragraph.

Claim 5 is believed to be allowable for at least the above reasons. Claims 6-8 are believed to be allowable, at least, because they depend from claim 5.

Appl. No. 10/736,835
Amendment dated April 23, 2007
Reply to Final Office Action mailed Feb. 23, 2007

2. Conclusion

In light of the amendments and remarks provided herein, applicant respectfully requests the timely issuance of a Notice of Allowance.

Respectfully submitted,
HOLLAND & HART, LLP

By:



Gregory W. Osterloth
Reg. No. 36,232
Tel: (303) 295-8205